



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of :
Walter ELGER et al. : Group Art Unit: 1617
Serial No.: 09/744,574 : Examiner: M. Bahar
Filed: 5 April 2001 :

For: USE OF BIOGENIC ESTROGEN SULFAMATES FOR HORMONE
REPLACEMENT THERAPY

REPLY

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

In response to the Office Action dated May 14, 2002, please consider the following remarks.

REMARKS

The Double Patenting Rejection

The Office Action provisionally rejected Claims 1-7 under the judicially created doctrine of obviousness-type double patenting over Claims 23-24 of co-pending application No 09/755,429.

The double patenting rejection is premature in this case. Applicants will address the rejection as soon as claims are allowed in both applications.

The Claim Rejections under 35 USC § 103

The current invention is not obvious over the cited references. Neither reference teaches or suggests the intermittent oral administration of an estrogen sulfamate. As explained in the specification, it was nonobvious that estrogen sulfamates had good oral bioavailability and a half life of estrogen release sufficiently long to make intermittent administration feasible.

The Office Action appears to accept that these documents do not teach the intermittent oral administration of an estrogen sulfamate, however, alleges that